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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY PATENT APPLICATION TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 004524.P031

(maximum 12 characters)

First Named Inventor Eric L. UptonTitle: WINDOW-MOUNTED POSITIONABLE COLLECTORExpress Mail Label No. EL429888098US

**ADDRESS TO:** Assistant Commissioner for Patents  
 Box Patent Application  
 Washington, D. C. 20231

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.   X   **Fee Transmittal Form (e.g., PTO/SB/17)**  
 (Submit an original, and a duplicate for fee processing)
2.        **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3.   X   **Specification (Total Pages   28  )**  
 (preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
     or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.   X   **Drawings(s) (35 USC 113) (Total Sheets   8  )**
5.   X   **Oath or Declaration (Total Pages   5  )**
  - a.   X   Newly Executed (Original or Copy)
  - b.        Copy from a Prior Application (37 CFR 1.63(d))  
 (for Continuation/Divisional with Box 17 completed)
    - i.        **DELETIONS OF INVENTOR(S)** Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
  - c.        Unsigned.
6.        **Application Data Sheet. (37 CFR 1.76)**
7.        **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**
8.        **Nucleotide and/or Amino Acid Sequence Submission**  
 (if applicable, all necessary)
  - a.        Computer Readable Form (CRF)
  - b.        Specification Sequence Listing on:
    - i.        CD-ROM or CD-R (2 copies), or
    - ii.        paper
  - c.        Statement verifying identity of above copies

# **ACCOMPANYING APPLICATION PARTS**

9. ☒ **Assignment Papers (cover sheet & documents(s))**
10. ☐ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- ☒ b. Power of Attorney (signed)
11. ☐ English Translation Document (if applicable)
12. ☐ a. Information Disclosure Statement (IDS)/PTO-1449
- ☐ b. Copies of IDS Citations
13. ☐ **Preliminary Amendment**
14. ☐ **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**
17. ☒ Other: separate sheet with title, express mail label, copy of postcard & attorney's signature

**18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:**

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)  
Of Prior Application No.: \_\_\_\_\_ Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_

(which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. \_\_\_\_\_,  
which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

**For CONTINUATION AND DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**18B. Statement under 37 CFR 3.73(b) for continuing application:**

The undersigned states that \_\_\_\_\_ (name of assignee) is  
the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an  
assignment recorded in the Patent and Trademark Office at Reel. No. \_\_\_\_\_ Frame No. \_\_\_\_\_  
(or a copy of which is attached).

## **19. Correspondence Address**

\_\_\_\_\_ Customer Number or Bar Code Label \_\_\_\_\_  
or \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label here)

☒ Correspondence Address Below

NAME R. Alan Burnett  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard  
Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (425) 827-8600 FAX (425) 827-5644

Name (PRINT/TYPE): R. Alan Burnett Registration No.: 46,149  
Signature: R. Alan Burnett Date: March 13, 2001

**FEE TRANSMITTAL FOR FY 2001****TOTAL AMOUNT OF PAYMENT (\$)** \$ 750.00**Complete if Known:****Application No.** Not Yet Assigned/New Application**Filing Date** Herewith**First Named Inventor** Eric L. Upton**Group Art Unit** \_\_\_\_\_**Examiner Name** \_\_\_\_\_**Attorney Docket No.** 004524.P031**METHOD OF PAYMENT (check one)**

- 1.
- ☒
- [ X ] The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

**Deposit Account Number** 02-2666**Deposit Account Name** \_\_\_\_\_☒ [ X ] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- 2.
- ☒
- X
- Payment Enclosed:

☒ X Check☐ Money Order☐ Other**FEE CALCULATION**1. **BASIC FILING FEE**

| <u>Large Entity</u> |             | <u>Small Entity</u> |             | <u>Fee Description</u>             | <u>Fee Paid</u>         |
|---------------------|-------------|---------------------|-------------|------------------------------------|-------------------------|
| <u>Fee</u>          | <u>Fee</u>  | <u>Fee</u>          | <u>Fee</u>  |                                    |                         |
| <u>Code</u>         | <u>(\$)</u> | <u>Code</u>         | <u>(\$)</u> |                                    |                         |
| 101                 | 710         | 201                 | 355         | Utility application filing fee     | <u>710.00</u>           |
| 106                 | 320         | 206                 | 160         | Design application filing fee      | _____                   |
| 107                 | 490         | 207                 | 245         | Plant filing fee                   | _____                   |
| 108                 | 710         | 208                 | 355         | Reissue filing fee                 | _____                   |
| 114                 | 150         | 214                 | 75          | Provisional application filing fee | _____                   |
| <b>SUBTOTAL (1)</b> |             |                     |             |                                    | <b><u>\$ 710.00</u></b> |

2. **EXTRA CLAIM FEES**

|                           |           | <u>Extra Claims</u> | <u>Fee from below</u> | <u>Fee Paid</u> |
|---------------------------|-----------|---------------------|-----------------------|-----------------|
| <b>Total Claims</b>       | <u>20</u> | - 20** = <u>0</u>   | X <u>18.00</u>        | = <u>0.00</u>   |
| <b>Independent Claims</b> | <u>2</u>  | - 3** = <u>0</u>    | X <u>80.00</u>        | = <u>0.00</u>   |
| <b>Multiple Dependent</b> |           |                     |                       | = _____         |

\*\*Or number previously paid, if greater; For Reissues, see below.

| <u>Large Entity</u> |             | <u>Small Entity</u> |             | <u>Fee Description</u>                                    |
|---------------------|-------------|---------------------|-------------|---|
| <u>Fee</u>          | <u>Fee</u>  | <u>Fee</u>          | <u>Fee</u>  |   |
| <u>Code</u>         | <u>(\$)</u> | <u>Code</u>         | <u>(\$)</u> |   |
| 103                 | 18          | 203                 | 9           | Claims in excess of 20                                    |
| 102                 | 80          | 202                 | 40          | Independent claims in excess of 3                         |
| 104                 | 270         | 204                 | 135         | Multiple dependent claim, if not paid                     |
| 109                 | 80          | 209                 | 40          | **Reissue independent claims over original patent         |
| 110                 | 18          | 210                 | 9           | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** \$ 0.00**FEE CALCULATION (continued)**

### 3. ADDITIONAL FEES

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 105          | 130      | 205          | 65       | Surcharge - late filing fee or oath  |          |
| 127          | 50       | 227          | 25       | Surcharge - late provisional filing fee or cover sheet   |          |
| 139          | 130      | 139          | 130      | Non-English specification  |          |
| 147          | 2,520    | 147          | 2,520    | For filing a request for reexamination   |          |
| 112          | 920*     | 112          | 920*     | Requesting publication of SIR prior to Examiner action   |          |
| 113          | 1,840*   | 113          | 1,840*   | Requesting publication of SIR after Examiner action  |          |
| 115          | 110      | 215          | 55       | Extension for response within first month  |          |
| 116          | 390      | 216          | 195      | Extension for response within second month   |          |
| 117          | 890      | 217          | 445      | Extension for response within third month  |          |
| 118          | 1,390    | 218          | 695      | Extension for response within fourth month   |          |
| 128          | 1,890    | 228          | 945      | Extension for response within fifth month  |          |
| 119          | 310      | 219          | 155      | Notice of Appeal   |          |
| 120          | 310      | 220          | 155      | Filing a brief in support of an appeal   |          |
| 121          | 270      | 221          | 135      | Request for oral hearing   |          |
| 138          | 1,510    | 138          | 1,510    | Petition to institute a public use proceeding  |          |
| 140          | 110      | 240          | 55       | Petition to revive unavoidably abandoned application or unavoidably delayed payment of issue fee         |          |
| 141          | 1,240    | 241          | 620      | Petition to revive unintentionally abandoned application or unintentionally delayed payment of issue fee |          |
| 142          | 1,240    | 242          | 620      | Utility issue fee (or reissue)   |          |
| 143          | 440      | 243          | 220      | Design issue fee   |          |
| 144          | 600      | 244          | 300      | Plant issue fee  |          |
| 122          | 130      | 122          | 130      | Petitions to the Commissioner  |          |
| 123          | 50       | 123          | 50       | Petitions related to provisional applications  |          |
| 126          | 180      | 126          | 180      | Submission of Information Disclosure Stmt  |          |
| 581          | 40       | 581          | 40       | Recording each patent assignment per property (times number of properties)                               | 40.00    |
| 146          | 710      | 246          | 355      | For filing a submission after final rejection (see 37 CFR 1.129(a))                                      |          |
| 149          | 710      | 249          | 355      | For each additional invention to be examined (see 37 CFR 1.129(b))                                       |          |
| 179          | 710      | 279          | 355      | Request for Continued Examination (RCE)  |          |
| 169          | 900      | 169          | 900      | Request for expedited examination of a design application  |          |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 40.00**

\*Reduced by Basic Filing Fee Paid

#### SUBMITTED BY:

Typed or Printed Name: R. Alan Burnett

Signature:  Date: March 13, 2001

Reg. Number: 46,149 Telephone Number: (425) 827-8600

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Eric L. Upton  
 Title WINDOW-MOUNTED POSITIONABLE COLLECTOR

Attorney Docket No. 004524.P031

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 13, 2001  
 Date

R. Alan Burnett  
 Signature

R. Alan Burnett  
 Typed or Printed Name

46,149  
 Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231